

House Committee on Civil Law and Procedure

Minutes of Meeting
2018 Regular Session
March 20, 2018

I. CALL TO ORDER

Representative Raymond E. Garofalo, Jr., chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 9:14 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Raymond E. Garofalo, Jr., chairman
Representative Raymond J. Crews
Representative Gregory Cromer
Representative Julie Emerson
Representative Sam L. Jenkins, Jr.
Representative Tanner D. Magee
Representative Gregory A. Miller

MEMBERS ABSENT:

Representative Robby Carter
Representative Randal L. Gaines, vice chairman

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Annie Smith, attorney
Stephanie Weinman, secretary

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Jordan Zeringue, clerk
Madeleine Murphy, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 288 by Representative Jackson

Representative Jackson presented House Bill No. 288, which provides relative to the computation of time periods for seeking rehearing, reconsideration, or judicial review or appeal of administrative decisions.

On behalf of Representative Jackson, Representative Garofalo offered an amendment to add an exception for the Department of Revenue. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendment was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

Representative Jenkins offered a motion to report House Bill No. 288 with amendments. Without objection, House Bill No. 288 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 174 by Representative Garofalo

Representative Garofalo presented House Bill No. 174, which provides for the continuous revision of the Code of Civil Procedure.

William R. Forrester, Jr., Louisiana Law Institute, Paul M. Hebert Law Center, Room W127 University Station, Baton Rouge, LA 70803, spoke for information only on House Bill No. 174.

Representative Garofalo offered a technical amendment. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Representative Magee offered an amendment to delete provisions and comments relative to the procedure for class certification in class actions. Representative Magee offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Representative Magee offered a motion to report House Bill No. 174 with amendments. Without objection, House Bill No. 174 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

House Bill No. 5 by Representative Connick

Representative Connick presented House Bill No. 5, which provides relative to the interruption of prescription.

Representative Magee offered a motion to report House Bill No. 5 favorably. Without objection, House Bill No. 5 was reported favorably by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in opposition. Witness cards are included in the committee records.

House Bill No. 6 by Representative Connick

Representative Connick presented House Bill No. 6, which provides relative to pretrial and scheduling conferences.

Representative Garofalo offered an amendment to authorize scheduling conferences to be conducted in chambers, by telephone, or by video teleconference. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Representative Magee offered a motion to report House Bill No. 6 with amendments. Without objection, House Bill No. 6 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in opposition and 1 for information only. Witness cards are included in the committee records.

House Bill No. 92 by Representative Zeringue

Representative Zeringue presented House Bill No. 92, a constitutional amendment which expands the type of property that may be forfeited and disposed of in a civil proceeding.

Michael Gardener, Louisiana State Police, 103 Melissa Lane, Houma, LA, (985)226-7032, spoke for information only on House Bill No. 92.

James T. Dixon, Jr., Louisiana Public Defender Board, 301 Main St., Suite 700, Baton Rouge, LA 70825, (225)219-9305, spoke for information only on House Bill No. 92.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 92. Without objection, action on House Bill No. 92 was voluntarily deferred by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

House Bill No. 101 by Representative Zeringue

On behalf of Representative Zeringue, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 101, which provides relative to the seizure and forfeiture of property used in the course of, derived from, or realized through a pattern of racketeering activity. Without objection, action on House Bill No. 101 was voluntarily deferred by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

House Bill No. 171 by Representative Garofalo

On behalf of the author, Robert L. Rieger, Adams and Reese, LLP, Louisiana Land Title Association, 450 Laurel St., Suite 1900, Baton Rouge, LA 70801, (225)336-5200, presented House Bill No. 171, which provides relative to ownership of immovable property by foreign partnerships.

James L. Breaux, Louisiana Land Title Association, 225 Shady View Ln., Covington, LA 70433, (504)556-4027, spoke in support of House Bill No. 171.

Representative Garofalo offered an amendment to add a requirement to file the foreign equivalent of written articles of partnership. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Representative Garofalo offered a motion to report House Bill No. 171 with amendments. Without objection, House Bill No. 171 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

House Bill No. 173 by Representative Garofalo

On behalf of the author, Robert L. Rieger, Adams and Reese, LLP, Louisiana Land Title Association, 450 Laurel St., Suite 1900, Baton Rouge, LA 70801, (225)336-5200, presented House Bill No. 173, which provides relative to an heir's interests in succession property.

Representative Garofalo offered an amendment to change the trigger for prescription from the recording of the judgment of possession in the conveyance records of the parish in which the property is located to the rendering of the judgment of possession. Representative Garofalo offered

a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Anne Raymond, Louisiana Land Title Association, 201 St. Charles Ave. 3600, New Orleans, LA 70170, (504)566-8647, spoke in support of House Bill No. 173.

Representative Garofalo offered a motion to report House Bill No. 173 with amendments. Without objection, House Bill No. 173 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, and Magee voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

House Bill No. 234 by Representative Edmonds

Representative Edmonds presented House Bill No. 234, which provides relative to deposited funds payable to a surviving spouse.

David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225)214-4836, spoke in support of House Bill No. 234.

Representative Magee offered a motion to report House Bill No. 234 favorably. Without objection, House Bill No. 234 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

House Bill No. 497 by Representative Pearson

On behalf of Representative Pearson, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 497, which provides for access to funds in a securities account prior to naming of an executor. Without objection, action on House Bill No. 497 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 550 by Representative Magee

Representative Magee presented House Bill No. 550, which provides relative to the delays for responding to discovery requests in certain proceedings.

Representative Magee offered a motion to report House Bill No. 550 favorably. Without objection, House Bill No. 550 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 580 by Representative Magee

Representative Magee presented House Bill No. 580, which provides for venue of judicial commitment proceedings.

Representative Magee offered a motion to voluntarily defer action on House Bill No. 580. Without objection, action on House Bill No. 580 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 541 by Representative Stokes

On behalf of Representative Stokes, Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 541, which stated that the measure could not be accomplished statutorily and would, therefore, require a constitutional amendment. Without objection, the House Rule 6.8(A) Report to House Bill No. 541 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

Representative Garofalo offered a motion to report House Bill No. 541 without amendments. Without objection, House Bill No. 541 was reported without amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There are no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:23 a.m.

Respectfully submitted,

Chairman Raymond E. Garofalo, Jr.
House Committee on Civil Law and Procedure

Date adopted: